

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TEREL OVERTON,

Petitioner,

-against-

DARWIN LACLAIR,

Respondent.
-----X

07 Civ. 4599 (LAP) (THK)

ORDER

PRO SE

THEODORE H. KATZ, United States Magistrate Judge.

This habeas corpus proceeding was filed on May 31, 2007. On July 17, 2007, the Court received Petitioner's request that this action be stayed in order to permit Petitioner to return to the New York State courts to exhaust his claims. The Court granted Petitioner's request and stayed this action on August 1, 2007; the Court advised, however, that Petitioner file his state court action expeditiously.

Subsequently, on June 11, 2008, nearly a year after the Court granted the stay, the Court received another request by Petitioner to stay the action another "five to six months" to "exhaust [his] available state remedies." (See June 3, 2008, Letter from Terel Overton). It appears that Petitioner has not even filed his state court proceeding.

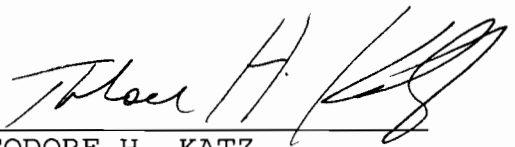
Petitioner's letter does not clearly identify the claims he seeks to exhaust. Nor does his letter explain why he has not yet exhausted such claims he seeks to bring. By July 10, 2008,

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therefore, Petitioner must file a motion to amend his petition in which he sets forth all of the claims he intends to pursue -- both exhausted and unexhausted. Petitioner should also attach a copy of the proposed amended petition. Petitioner must explain the nature of his claims in clear and precise details. Furthermore, Petitioner must also explain, in the same level of detail, why the claims have not yet been exhausted in state court.

Upon receipt of the motion to amend and the proposed amended petition, the Court will determine whether to allow the amendment or further stay the action.

SO ORDERED.



THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

Dated: June 16, 2008
New York, New York

Copies sent to:

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03-A-2498
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